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ADDRESS

OF

HIS EXCELLENCY

WILLIAM B. WASHBURN,

TO THE TWO BRANCHES

OF THE

LEGISLATURE OF MASSACHUSETTS,

January 2, 1873.



BOSTON:

WRIGHT & POTTER, STATE PRINTERS,
19 PROVINCE STREET.

1873.

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SENATE.....

.....No. 1.

A D D R E S S

OF

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A D D R E S S .

*Gentlemen of the Senate
and of the House of Representatives:*

In accordance with the will of the people, we have assembled here to assume the duties of the executive and legislative branches of the government of the Commonwealth for the current year. As we stand upon the threshold of this new epoch, with gratitude in our hearts for the abundant mercies of the past, let us look to Him, the source of all power, for wisdom and courage to meet the responsibilities of the future, and dedicate ourselves in all sincerity to resolute and vigilant faithfulness in the tasks set for our performance.

SUMMARY OF FINANCE.

While disaster has seriously, though temporarily, crippled and embarrassed many of the industrial and commercial interests of the Commonwealth,

her public finances exhibit gratifying evidence of thrift and security. Under the wise and provident policy of the State,—creating ample sinking funds for the liquidation of every maturing instalment of the public debt,—more than three millions of the funded liabilities have been extinguished during the past year, without recourse to ordinary revenue, taxation or temporary loans. The amount thus retired included upwards of two and a half millions of the Massachusetts 5-20 War Fund Loan not absolutely maturing till 1886, but which the surplus accumulation of the sinking fund established for its payment rendered it advisable to anticipate. With an addition of more than a million to the Troy and Greenfield Railroad and Hoosac Tunnel Loan, by a further issue of scrip on that account, there still remains a net reduction of the funded debt of the Commonwealth amounting to nearly two millions of dollars. The appended statement exhibits the transactions of the year in this connection:—

Funded debt, January 1, 1872, . \$29,629,364 00

Amounts liquidated during the
year:—

Massachusetts War

Fund loan, . . . \$2,551,500 00

Union Fund loan,

1861, . . . 363,700 00

State Almshouse

loan, . . . 100,000 00

Loan of 1861 (fund-

ing debt), . . . 100,000 00

 \$3,115,200 00

Balance remaining . . . \$26,514,164 00

Added during the year on account

of the Troy and Greenfield Rail-

road and Hoosac Tunnel loan, . 1,178,540 00

 Total, \$27,692,704 00

With these changes the existing
debt, all of which is funded,
may be thus classified:—

Railroad loans, \$13,303,016 00

War loans, . . . 13,519,688 00

Ordinary loans, . . . 870,000 00

Funded debt, .

 \$27,692,704 00

The only unfunded liabilities remaining consist of small sums, for the payment of which the treasury is amply provided.

With the extinguishment in 1872 of the last instalment of the loan of 1861 for funding the public debt, there remain now no funded liabilities for the payment of which the State has not provided a sinking fund; and any deficit likely to occur in one or two of these funds can be easily supplied, either by transfer of surplus accumulations, or from other available resources.

During the present year \$425,000 more of the funded debt will reach maturity, viz.: of the Union Fund Loan, \$300,000; State House Enlargement Loan, \$65,000; and Almshouse Loan, \$60,000,—all of which will be paid from their several sinking funds.

The Finances of 1873.

Accepting the results of the past year as a basis of judgment for the present, the ordinary revenues of the State may be estimated at \$2,300,000 00

Adding to this sum the unexpended cash on the same account, will

put the treasury in possession
of something like . . . \$2,900,000 00

The ordinary expenses of the year,
estimated upon present informa-
tion, can scarcely be less than . \$4,420,000 00

With the material reduction of ordinary revenues under the repealing legislation of 1872, the amount necessary to be raised by a state tax may not be less than two millions of dollars, exclusive of any provision for temporary emergencies or special grants by the present legislature.

THE TUNNEL AND ITS CONNECTIONS.

The opening of the Hoosac Tunnel from the eastern portal to the central shaft, which event, as you are already aware, took place on the twelfth ultimo, with scarcely an appreciable difference in the working lines from the two faces, must have demonstrated the entire practicability of this great enterprise to the most sceptical mind.

The unprecedented flow of water from the heading west of the central shaft, obliged the contractors to discontinue work at that point some six months ago. The completion of the connection eastward affords natural drainage, and they will

soon be relieved from delay or expense on that account. In a few months the tunnel will be finished to the shaft from the eastern portal, and thenceforward the work will be confined to two faces. Between the shaft and the western portal there now remains about 3,125 feet of rock to penetrate, and through this the contractors, who have prosecuted their labors during the season with commendable diligence, expect to have an opening some time before the end of the present year. In order to present the tunnel in a completed state at the expiration of the contract, it will be necessary to push forward every branch of the work with the utmost energy.

Under chapter 47, Resolves of 1872, there has been advanced to the Messrs. Shanly since the adjournment of the last legislature, the sum of \$100,000 from the reserve fund, to secure the payment of which a mortgage of their tools and machinery was taken. There has also, under the second clause of said Resolve, been issued to them certificates of indebtedness to the amount of \$200,000, payable without interest on the completion and acceptance of the tunnel.

The Commonwealth should immediately prepare itself to reap every legitimate benefit to which it

will be entitled upon the consummation of this vast undertaking. By means of the tunnel our chief city may not only be brought into shorter and more direct communication with the great lakes of the West, but through this channel Chicago will be brought nearer to the tide-water of our own State than it now is to New York city. In this view of the matter, the interests at stake are of such consequence that they cannot properly be remitted to a careless or secondary consideration.

While the tunnel proper has been well constructed, the road thereto from Greenfield, like all others of which the engineer and contractor are one and the same person, is wholly unfit for any considerable traffic. Built for a temporary purpose, and in the cheapest possible manner, the necessities of the immediate future require an improvement of the grade at many points, a straightening of the location at others, a protection of the embankments, an enlargement and a strengthening of the bridges and culverts, and a general renewal of the road-bed and superstructure. Furthermore, a considerable expenditure must soon be made upon the Fitchburg and the Vermont and Massachusetts roads if we would avail ourselves of the opportunities to be afforded by the tunnel. In the

location of the Vermont and Massachusetts changes are required to shorten the distance, improve the grade, and lessen the number of bridges, while the road-bed and superstructure must be in great part renewed, and a double track laid for the whole or a portion of its length. Without commenting on the general management of the Fitchburg road, it must be said that its equipment is not equal to the necessities of a greatly increased business; its facilities need to be multiplied at least fourfold, by the construction of several first-class grain elevators, and the adoption of various approved appliances for receiving and handling freight.

What shall be done to secure the requisite improvements on these several roads, so that the Commonwealth may obtain the business naturally coming to the seaboard by way of the tunnel, is one of the most important questions now waiting legislative answer. Properly managed, this line from Boston to the State's western frontier will be one of the best investments ever made. I am fully persuaded it cannot be operated to the satisfaction of the public while in the hands of several separate organizations. To secure efficiency of action and direct responsibility, the entire route must be

brought under the immediate control of one body, and be operated by one head. And in my judgment the necessary improvements are more likely to be made in a proper manner by one authority working for the general interest, than by several working each for its own specific interest. I am in favor, therefore, of the early consolidation of these roads so that they may be operated and managed as a single line.

I very well know that serious objections to such a combination exist in many minds. There is a fear that the railway interest, already so powerful that it frequently exercises an injurious influence upon legislation, will be rendered even more dangerous by such a union. But the practical question in this exigency is simply whether one corporation will be more or less dangerous to the public welfare than three or four. It seems to me that there will be greater difficulty in contending with several organizations, each proud of its independence, but ready to shirk its responsibility, and swift to combine with the others to carry any desired measure, than with one controlled by a single head which can be made accountable to the people and the legislature for its acts. And no one at this day doubts that an unbroken line is

more efficiently managed by one corporation than by several. Looking at the problem from every point of view, and carefully weighing all the advantages and disadvantages of either solution, I am decided in the conviction that the tunnel route should be consolidated at the earliest practicable day.

In providing for this consolidation, as in chartering any new line, the Commonwealth does not abdicate its supreme authority in the premises. The corporation will be but the servant of the State, entrusted with certain powers to be used for the public good. If at any time it becomes false to its trust, and uses those powers for private and selfish ends to the detriment of the general welfare, it will be the duty of the State to resume its own.

I trust your honorable bodies may be able to frame an equitable Act of Consolidation which will be accepted by the roads interested in good faith. Should either of them refuse to accept the legislative terms proposed after careful consideration of the whole issue, much as I should regret the necessity for such a procedure, the interests of the State are so manifold and imperative that I see nothing for her to do but take the matter into her

own hands,—the end of paramount importance being to put the entire line in readiness as soon as possible for the great work coming to it with the completion of the tunnel.

As the funds for building the tunnel are drawn from the public treasury, we must take care that the line using it does not become a monopoly. Provision should be made in the act of consolidation for harmonious relations with connecting and neighboring lines. Every other road in the State so desiring to do should be allowed to intersect the through line and receive and discharge freight and passengers on a fair and an equitable basis, that it in turn may be enabled to deliver to the dwellers along its route a portion of the benefits of this new avenue for commerce and transportation. With the proposed consolidation effected, and these distributing agencies made possible, I doubt not we shall speedily find the tunnel route a favorite with shippers and travellers, and a great source of revenue and advantage to our people.

THE GENERAL RAILROAD LAW.

So far as I can learn, the general railroad Act passed last spring has fully realized the hopes of

its friends. While on the one hand no company has organized under it, on the other hand it has not prevented the building of any road deemed necessary by the community. It retards no legitimate enterprise, has been of salutary influence upon existing roads, and works injury to no section of the Commonwealth. It has received the approval of the public, is recognized as an important step in the right direction, and responds to the growing conviction among the people that legislation, as far as practicable, should seek the benefit of the many rather than of the few.

Doubtless special Acts will be sought at your hands to secure special advantages; but these must be denied if the vitality of the general Act is to be maintained. Should privileges or restrictions not embraced in that law be requested, you may wisely consider whether the statute is not open to amendment without detriment to its general application.

Your predecessors, impressed with the danger of railway crossings at grade, and convinced that such crossings might mostly be avoided with little additional expense, declared against them in the general law. This provision, though having a commendable end in view, seems to me of doubtful

wisdom. Under our broad system of railroad network, instances will occur where it is all but impossible to avoid such crossings, and where there would be little danger therefrom. It does not appear to be a legislative function to determine when such an exigency has arisen. The question is simply one of fact, to be settled by personal inspection, eminently requiring personal responsibility; and, in my opinion, the determination of the issue should be entrusted to a tribunal that can pass upon the exigency at any time. I therefore suggest the propriety of an amendment, authorizing the railroad commissioners to permit such crossings when in their judgment the public interest so requires.

THE LABOR BUREAU.

Three annual reports by the Bureau of Labor Statistics have been laid before the public, and the fourth will be submitted to you in due time. Those who were most instrumental in the creation of this bureau generally admit that it has not fulfilled their expectations. Nearly every branch of the labor movement has openly and decidedly expressed dissatisfaction with its methods and its results, and I am not aware that capitalists and

employers have expressed any particular gratification therewith. What course shall be pursued in reference to this department, is a question that challenges your careful and thoughtful deliberation.

While it may be confessed that the investigations of the bureau have not been so thorough and complete as to commend its conclusions to universal assent, it must be borne in mind that its reports contain our only official statements on the subjects of which they treat, and have been printed and circulated by public authority. They are referred to now, and will be referred to hereafter, by those seeking information as to the social condition of Massachusetts. They have been cited, and will again be cited, in the debates of Congress upon measures proposed for the protection and enlargement of our industries, as showing how the benefits of such protection are distributed. If they give a false or partial picture of the relations of labor to capital in our Commonwealth, the remedy for complaint on this head must be sought, not in discontinuing the investigation upon which we have entered, but in lifting it to a higher and broader level, making it more thorough, and conducting it with larger aims.

Whether a laborer can accomplish as much in one hour as he can in two, whether the machinery in a well-managed factory can turn out as many yards of cloth in eight hours as in ten—these problems the Massachusetts Yankee may safely be left to solve for himself without official aid or prompting. But we ought approximately to know, for instance, how many grown persons there are in the State, not prevented from labor by vice, indolence or physical infirmity, who cannot procure comfortable homes for themselves and their dependents, fair education for their children, adequate provision for sickness and old age, and sufficient leisure for the comprehension and discharge of the duties of citizenship. The incapacity to procure this is poverty. We ought to know whether the proportion of such persons is increasing or diminishing,—whether our legislation hastens or can be made to hasten the decrease or counteract the increase. If there is carried on in the State any business so unremunerative that it will not permit the employers to pay those employed such wages as are necessary to keep them from poverty, however desirable that business may be, it ought to cease. And surely we ought to know, if it be possible to ascertain, whether there are really among

us employers who are laying up great riches for themselves by keeping their employées in a condition of impoverished dependence.

In order to secure statistical information on these and other related issues, different instrumentalities from those now in use will be required. A schedule should be carefully prepared by the legislature, with the aid of competent assistance, indicating the facts desired from every city and town in the Commonwealth. In the small towns these facts might be gathered by the assessors; in the larger towns under the direction and superintendence of the selectmen; and in the cities, by wards, through appointees of the mayor and aldermen. Special returns should also be required from all the savings banks and such other institutions as can throw light on the general inquiry. Statistics from a few scattered points or isolated establishments will not suffice; they must be comprehensive, or the conclusions founded on them will be valueless and misleading.

There may be objections to the plan thus suggested for solving the difficulty in which we now find ourselves. If your honorable bodies will present a better one I shall be most happy to join you in its adoption. But in my judgment, neither the

well-being of our people nor the good name of our State will permit us to rest in non-action. The relations of capital and labor, of employer and employés,—these are issues that will not down at any man's bidding. The questions they present are among the gravest and most vital of the time; they cannot be thrust aside; they will be heard; they must be discussed; they justly insist upon a practical answer.

THE STATE PRISON.

By a Resolve of the last General Court the Inspectors of the State Prison were required to submit to you a special report concerning that institution—embodying facts, figures and opinions as to the practicability of enlarging and improving the buildings now occupied, and as to the policy of selling the property in Charlestown and putting up a new prison at another point. In obeying this order of the legislature the inspectors have incurred a slight necessary expense, for the payment of which I cannot doubt you will cheerfully make provision. Their report is to be submitted at an early date. The question which it will present for your consideration is one of great importance, and I ask you to give to its deter-

mination your best judgment and calmest forethought.

Society rightfully demands the restraint and correction of criminals. Its welfare is imperilled by attempts to shield the violators of law from merited doom. The certainty of punishment is one of the guarantees of safety. But we by no means discharge our full duty when we enact laws for the punishment of offenders and provide a place for their confinement. Even in their worst state they are men with necessities and possibilities for which we must have regard. We are ourselves guilty of inhumanity if we wilfully neglect what is requisite to their health while restrained of freedom. And we ought always to keep their reformation before our minds as an object of hope and purpose. As a means to the first of these ends, we must have light, ventilation, good drainage, and other conditions on which physical vigor depends. As an essential to success in reformatory endeavor, we must, in my judgment, have a classification of prisoners and a graded system of government.

Whether any reasonable expenditure on the existing State Prison will make it such an institution as becomes this Commonwealth, is the ques-

tion first to be considered. The inspectors, after careful examination, are of the opinion that an appropriation of not less than \$150,000 will be required for necessary changes and repairs. Considerable improvements of one kind or another might undoubtedly be made by a judicious use of this amount. But the plan of the establishment is so radically at fault, that its culinary affairs must always be carried on at a great disadvantage. The ventilation of the building is very imperfect, and its deficiencies in this regard can be no more than partially remedied. Moreover, the drainage of the site is wholly inadequate, and the tide-water rises to a point so nearly on a level with the floors of the building, that it is impossible to secure the necessary outflow. There is an alarming prevalence of pulmonary disease in the institution, and the number of fatal cases of illness is much greater than formerly. And the gravest objection of all that may be urged against this building is, that no proper classification of prisoners can be made within its walls. The warden performs his difficult duties with vigor and discretion, but the situation is such that he can do only a small part of what it is desired to accomplish.

The inspectors fix the value of the present prison

property at about \$800,000. They will submit a plan, in general outline, for a new prison, with the figures of an architect as to its probable cost. From these data, with an allowance for land, depending on quantity and location, a fair estimate can be formed of the necessary expense that will ensue upon a determination to abandon what we now have and establish the prison elsewhere. Figures, however, constitute but one of the elements in the problem to be solved, and the fact that it will cost somewhat more to build on another site than to enlarge and repair on the present, cannot be a very weighty argument against the proposed policy if the faults and deficiencies of the existing prison are without remedy.

While of the opinion that the site now occupied is unfit for the purpose, I still deem it advisable that our State Prison should be located in the neighborhood of our chief city, from which a majority of its inmates come. It should be placed in a healthy situation, upon dry soil, where perfect drainage will be possible, and, for the convenience of officials and those humanely interested in the welfare of prisoners, on the line of a good double-track railroad. Connected with it should be twenty-five or thirty acres of land, affording room

for large and well-ventilated workshops, and furnishing out-door occupation for prisoners at such times as health requires open-air exercise. Of course the buildings should be of the most approved plan in every respect, with capacity equal to probable future demands as well as those of the present time.

In the Charlestown institution proper separation of prisoners cannot possibly be made. The young man of a single crime, for which the charitable heart may perhaps find more or less extenuation, is necessarily confined in immediate proximity to the most hardened and hopeless criminals. All his surroundings minister to evil tendencies; the associations of the corridor and workshop are contaminating; the very atmosphere he breathes every day of his confinement is polluted. Thus condemned to contact and fellowship with vice, his mental and moral condition on leaving prison is too often worse than when he entered. Surely the Commonwealth cannot permit this state of affairs to exist much longer. Enlightened men and women on every side are satisfied that a work of reform must be undertaken. The basis of reform lies in separation and classification. Those who have but just entered on vicious courses must not be com-

pelled to constant association with those who have become veterans in crime.

With the separation that might be secured in planning and erecting a new prison, would come the opportunity for a graded system of management. In the highest grade might perhaps be placed those guilty of but a single offence, as well as those whose good conduct and purpose to reform entitled them to recognition. In the lowest grade would necessarily be habitual and hardened offenders, whose evil passions must be kept in check by stern and rigorous punishment. Between these two should be at least one intermediate grade, with a chance for promotion from the lowest to the highest, and a certainty of degradation for cause from the highest to the lowest. To those in the upper grade should be accorded comforts and privileges uniformly denied to those in the lower grades, so that an incentive to good conduct and genuine reformation would continually exist. Thus the majority of prisoners might be inspired with the hope of bettering their condition in the prison; and the fact that, when they left it by expiration of sentence, they were in the upper grade, would be a recommendation to the community; while the fact that a released convict

came from one of the lower grades, would lead the public to be on its guard.

I deeply feel that some plan of this sort ought to be adopted in the prison. I have sketched it in the merest outline, but it would not be difficult to complete the detail if we had a properly-built institution. Whatever has been said of our prison system in the past, it is very far from being what our present stage of civilization demands. The plan I have suggested has two specific ends in view: it makes punishment a direct and obvious sequence of conduct, and reformation materially as well as spiritually desirable. I very well comprehend that no system can guarantee the complete restoration of criminals to integrity, but good men and women would have special encouragement to help such as had tried to help themselves. From the endeavor of the Commonwealth to temper justice with mercy in its dealings with offenders sincerely penitent, I trust would spring a new purpose among our people generally, and thus many of those who have entered criminal ways might be saved to honor and usefulness.

STATE CHARITIES.

Under authority given the Executive by chapter 68, Acts of 1872, the Nautical School has been discontinued. Such of the boys on the school ship as the trustees thought it inexpedient to release on probation, were from time to time, as arrangements for their reception could be made, transferred to the Reform School at Westborough, and early in July the vessel was sold at public auction. The sale of the property netted \$12,753.73, which sum was paid into the state treasury.

The State Almshouses at Monson and Bridgewater were abolished by chapter 45, Acts of 1872. The transfer of paupers to Tewksbury provided for in that act has taken place, though under the discretionary authority granted the Board of State Charities, a few (less than fifty) yet remain at each of the other points,—those at Bridgewater being mostly infant children of women convicts confined there, and those at Monson being retained to assist in the work of the Primary School establishment. The number of paupers at Tewksbury is about 800, of whom nearly two-fifths are insane or imbecile persons.

Coupled with my recommendation to the Gen-

eral Court of 1872, that the Nautical School be abolished, was a suggestion that provision be made at Bridgewater for the boys in that school, and other boys of corresponding age who might be found guilty of offences punishable by confinement. This suggestion was not carried into effect by your predecessors. In making it I had no decided preference for the point named over others that might have been selected, but was actuated by a desire to get these lads into a secure place, where they would be subjected to proper discipline and might receive proper instruction, and especially where they could be kept employed in pursuits adapted to their years and circumstances.

I have serious doubts whether the objections to the proposition thus submitted were of such gravity as to warrant the removal of the school-ship boys to Westborough. The institution there was not in a condition to furnish for them either adequate security or proper employment; and the effect of bringing them into immediate contact with the younger boys has been very prejudicial to the interests of the latter. From what has already been said, it will readily be inferred that I deem it imperatively necessary to the well-being of these younger boys, who for the most part are ignorant

of criminal habits, that they should be kept free from the 'contaminating influence of the older ones, the majority of whom have made a definite advance in paths of vice. Moreover, while our first aim with respect to those of from fifteen to eighteen years of age, should be to develop and strengthen their mental and moral capabilities, their physical powers cannot be either safely or prudently neglected. They should have no idle hours on their hands. A fair proportion of the day having been given to study and recreation, the remainder should be assiduously devoted to labor,—not chiefly for its profit, but because wisely-conducted labor is in itself the best of reformatory agencies. They should be instructed in trades, so that when they are released from confinement an honest living will be easy of attainment. The Westborough institution has not the requisites necessary to successful dealing with these boys, nor can they be furnished there except at what I regard as an impolitic expenditure of money.

I have given this and connected questions a large degree of attention during the last six or eight months, and now beg to recommend to your honorable bodies the discontinuance of the establishment at Bridgewater, and the creation of a

State Workhouse at some other point, in which shall be confined criminal boys above the age of fifteen or sixteen years, and the class of male convicts sent under existing laws to Bridgewater. No new building will be required for this purpose. We have jails and workhouses enough in the Commonwealth for the accommodation and proper classification of our entire body of minor offenders. We simply need to utilize them to the best advantage for the general welfare. Make provision so that the State can take one of our county houses of correction, transfer to it the hundred men now at Bridgewater and about the same number of the older and most vicious boys at Westborough, and there are responsible business firms standing ready to contract for the services of all these persons for a term of years on satisfactory conditions. It would be a benefit to the boys to associate them in labor with those older than themselves, and, thus employed for a portion of their time, they would become familiar with occupations from which to make a respectable and comfortable livelihood when restored to freedom. I ask your serious and considerate investigation of this subject, in the hope that your inquiries will lead you to conclusions similar to those I have reached.

Throughout the State are various private institutions for the care of one or another class of the friendless or unfortunate. Of late years there has grown up a custom of granting aid to some of them from the public treasury. In my judgment this is an unwise policy. So far as I know, these several institutions are doing good work in their respective fields of voluntary labor. Certainly I wish them abundant success in their merciful endeavors. But if any one of them is aided in its mission by the State, the claim of some other one is equally valid and pressing, and a continuance of the policy will soon subject us to an enormous expense. To see the evil in which it results we have but to look to some of our sister States. The legislature of 1872 declined to grant any of these outside appropriations, and I believe its course in this respect was approved by the great body of our people.

PRISON FOR WOMEN.

The Commonwealth has been somewhat agitated for a year or two on the question of a separate prison for women. I am in favor of such a prison. But I fail to see that we ought to erect a new building for it. Having advised the withdrawal of the male

convicts from Bridgewater, I recommend the conversion of the state institution there into a woman's prison, and in this recommendation the Prison Commission will virtually concur. I grant that neither for situation nor arrangement is the Bridgewater building exactly what we want. But it is better fitted for this than any other necessary use, and if it is needful to make some slight changes in its construction, even if it should be found advisable to add a new wing, the expense would be small in comparison with the cost of a new institution.

The estimated average of women convicts for the year is about 650, distributed as follows:—at the state workhouse, 150; in houses of correction, 200; in the house of industry, 300. The aggregate now under sentence is somewhat in excess of this average, but still not beyond the capacity of the Bridgewater establishment. With all our female convicts confined there, suitable employment could readily be provided, such classification as might be deemed best could be made, and the broadest and most humanitarian reformatory principles of prison discipline might be fairly tried. After much conference with those who have the good of fallen women at heart, I am satisfied the Common-

wealth cannot do better than put the present state workhouse building to the use I suggest.

COUNTY JAILS.

The Prison Commission will bring to your notice a comprehensive plan for the improvement and classification of the county jails and workhouses, with some suggestions as to a change in our laws and customs respecting the treatment of vagrants and drunkards. Our present method of fine and costs in dealing with drunkards, not only generally fails of beneficial results to them, but in the case of married men frequently subjects their unoffending families to privations of a serious character. Should you be able to devise a scheme calculated to reform those given to intemperance, with the minimum of hardship to their dependents; you may anticipate Executive approval therefor. Having already sufficiently indicated my views in favor of classification, I have only to add that while some of our jails are well adapted for their purposes, others are little less than a disgrace to the Commonwealth. For the suggestions of the Commission I bespeak your candid attention.

MILITARY MATTERS.

The Governor and Council have not yet made the camp-ground purchase authorized by an Act of your predecessors. Several sites have been examined with such care as was necessary, but it is difficult to find one combining all the requisites desired. There is a reasonable prospect, however, that success will attend the effort to secure a suitable location.

During the year the Surgeon-General's office has, without expense to the recipients, collected \$71,013 from the general government on the claims of soldiers and their families for pensions, bounty, back pay, prize money, etc., which is an excess of \$23,411 over the aggregate collected during the previous year. The total amount of these claims collected since the work began, about six years ago, is \$734,933. The manner in which the labors of this office are performed, and the style in which its records are kept, merit general commendation.

The work of the Adjutant-General's office is substantially up to date. The management of the department is marked by efficiency and promptness. The two thousand dollars appropriated last spring to pay the expense of issuing soldiers' diplomas

has been nearly expended, and since it was put at the command of the Adjutant-General about 12,000 of these diplomas have been made and delivered. The department will require no unusual appropriation this year, except for a single clerk to aid in completing this work of patriotic appreciation, and I recommend that such provision be made at an early day.

The condition of the active militia is about the same as it was last year. The ordinary military expenditure of the year has been \$150,085. This is about \$16,000 less than that of 1871. The number of men in camp was 5,040, a slight falling off from last year. The fifty thousand dollars appropriated two years ago for breech-loading arms, has been expended, on the unanimous recommendation of a board of officers appointed by my predecessor, in the purchase of 2,941 Peabody Rifles, nearly all of which have been transferred to the hands of the militia. I recommend the repeal of chapters 187 and 298 of the Acts of 1872.

Accompanied by members of my staff, who by reason of actual service during the late war were specially qualified to aid me, I made a careful inspection of the whole body of active militia at the annual encampment. As each regiment and bat-

talion went into camp by itself, an unusual sense of responsibility for the character of the encampment was felt. With one exception, I heard nothing but well-deserved praise bestowed upon the several organizations for the bearing and sobriety of the men. This was owing in no small degree to the fact that peremptory orders were given by the general officers against the introduction of intoxicating liquors upon the camp grounds. However they may differ as to the use of this article at other times, they agree as to the necessity for banishing everything of the kind from camp, if good conduct and good discipline are expected of the entire force.

The expense of our militia is more than double that of most States for a like number of men, and serviceable as the force proved at the time of the Boston fire, and doubtless would prove on any other occasion, its efficiency is not what it should be. We maintain altogether too many organizations, and too few of them are up to the proper standard. We annually expend a hundred thousand dollars for encampments, that the men may be drilled and taught the duties and obligations of soldiers; but a large proportion of those instructed this year were neither in camp last year nor will be next year.

The members of the companies come and go at their own pleasure, and many elect to withdraw before they have fairly learned the soldier's first lesson, so that it is scarcely an exaggeration to say that we are continually at work on beginners. Half the number of our present organizations, filled to the maximum with good men, who could in some way be retained for a moderately-long specific period, would give us a militia twice as efficient as we can get under our present system. In this judgment I do not doubt you will find large concurrence among the best men connected with the service.

I beg you carefully to consider whether it would not be well to provide for a three-years enlistment and mustering of the men in the active militia. With discrimination on the part of mustering officers, and a proper spirit in the line and staff, those who belonged to the service would feel a genuine and commendable pride in their respective organizations, and in a short time we should have a body of citizen soldiery of the very best quality. It is advisable to require the forwarding of the enlistment rolls of this force to the Adjutant-General's office, so that you may have what you now have not,—a record at headquarters of the men actually in the service.

Whatever step you take as to the rank and file, I cannot doubt the propriety of amending the militia law so as to provide brigade boards for the examination of all elective officers. These boards might consist of three officers each, appointed by the respective brigadier-generals, and no commission should issue except on the certificate of the proper board that the person therein named has been examined and found qualified for the position to which he has been chosen.

THE LIQUOR LAW.

I should be gratified, as doubtless most of you would be, to see the day when no further legislation was required in reference to the use and sale of intoxicating liquors,—when the laws on this subject were such as to satisfy the great majority of the good and sensible people of the Commonwealth. While human nature remains what it is, we cannot reasonably cherish the expectation of a period when there will be no class in the State with new theories and fresh discoveries upon this question; but I do hope for the time when the body of our citizens will feel that no more thought and labor need be spent in perfecting the law. If you can hasten this time by the exercise of your wisdom

and foresight, you will deserve and receive the gratitude of your constituents and coming generations.

Unquestionably there are some who incline to the belief that a stringent license law, rigidly executed,—such a law as has recently been enacted in two or three States of the Union,—would correct the evils we are trying to extirpate. But that law has not yet shown any special efficacy in bringing about the reform for which we are striving. Moreover, this Commonwealth has so declared for prohibition, again and again, that we are not placed in the least doubt as to the will of the people. For my own part, I do not think any radical changes of policy either necessary or advisable, and I have but two or three modifications of the existing statute to suggest.

This statute is founded on the principle that distilled spirits may be sold for medicinal and mechanical purposes only, while the State, through its agent, duly appointed and subject to rigid rules, shall furnish a pure article at a reasonable price, to those only who have been legally authorized to keep a supply for the purposes specified. Regulations as to the price at which liquors shall be furnished, requiring all to bear the stamp of the State

Assayer as a proof that the quality is up to the legal standard, constitute a guarantee against fraud and extortion, and a pledge that the Commonwealth is ready to do what it can to protect the town and city agents against imposition. I see no other practicable way in which proper supervision can be exercised.

But to the full success of this supervisory plan it is essential that every local agent should purchase from the state agent only. If three-fourths of them are allowed to obtain their liquors where they please, the guarantee as to quality is wholly lost, while the state agency cannot be sustained by the purchases of the other fourth. I see no valid reason why apothecaries, if appointed to local agencies, should not be subjected to the restrictions laid upon other citizens so appointed; and I therefore recommend a change of the law in this regard, so that all town and city agents shall be on an equal footing.

If under licenses to sell ale and beer, sales could be confined to those articles, though in most cases a thirst for stronger drinks would be created, the evil resulting from such licenses would be comparatively small. But the Chief Constable of the Commonwealth expresses the opinion that at

least nine-tenths of our beer-shops use their licenses as a cover for the sale of distilled spirits. A beer-shop, so called, has come to mean generally a place where all kinds of intoxicating liquors are furnished. And if we are to accept the evidence of those who have had the most painful experience of the miseries produced by these places, they are among the greatest obstacles to the social and moral progress of the community. The testimony of criminals of every degree is, that they were drawn by frequenting beer-houses into offences and violations of law of which they might otherwise have remained innocent. The wise and prudent legislator will not cease his efforts for the diminution of crime till every measure has been adopted which experience proves needful.

I am convinced that a large majority of the legal voters of the Commonwealth are opposed to the open bar in any form or in any place; and if it were possible to obtain the views of our women on this important question, I doubt not that at least four-fifths of them would promptly pronounce in favor of the speedy closing up of all these dens of vice and crime. And I commend the subject to your reflection, confidently trusting you will agree with me in the conclusion that the time has

come when the legality of a beer and ale shop should no longer be sustained by our statutes.

If the law in reference to the liquor traffic is not enforced, the general impression seems to prevail that the fault must be either in the Executive or the police officer. It is easy and perhaps natural to lay sins of omission in this regard at their doors.

But at a recent term of the court in one of our counties, through the efforts of an officer, a common seller, one who had been found guilty three or four times, was again brought to trial and conviction, and sentenced to a fine of ten dollars and costs, which sum his clerk easily made in profits on sales during the trial. In another county, a party found guilty of the same offence was sentenced to a fine of two hundred dollars and costs, and imprisonment in the house of correction for six months. This sentence made the violation of the law not only unprofitable but decidedly disagreeable.

In the one case the prosecuting officer and the court evidently do not intend to accomplish either of these results, and the work of the police officer is so neutralized that though he pile his complaints against offenders mountain high he has no reasonable prospect of suppressing the traffic. In the

other case the officers of the law are all laboring for one result, and there your statute is a terror to evil-doers,—the officials believe in the rigid enforcement of the law, while juries and people are in harmony with them and gladly second their endeavors. With like action and sympathy in every county, we should have similar results, with a beneficial effect upon all classes of society.

My object in referring to these facts is not to criticise the course of any tribunal, but rather to impress upon your minds that the enforcement of the liquor law, like that of every other law, depends not upon the action of a particular officer alone, but upon unity of action among all officials. If the prosecuting officer is willing to shield the criminal; if jurors or witnesses are lacking in firmness or integrity; if the court, with its large discretionary powers, looks out for the mildest possible sentence, we have a condition of things which not only prevents a fair enforcement of the law, but actually invites its violation, in spite of all effort that can be made by the police or the Executive.

Nor should it be overlooked or forgotten that the execution of this law is almost wholly required at the hands of the state police. In contending

with other forms of vice and crime they generally receive the assistance and co-operation of the local police, but when it comes to the treatment of offences arising under the liquor law, I regret to say that they not only rarely receive assistance from the local force, but are too often hindered and thwarted in their own labors. I am gratified to believe that there is of late, in some sections at least, a growth of higher public sentiment on this matter, and I trust the day is quite near at hand when all officers will be obliged to do their whole duty with respect to every statute.

THE STATE POLICE.

Some three months ago, Major Edward J. Jones tendered his resignation as Chief Constable of the Commonwealth. His high executive ability, and his long experience in the duties of the position, made him an officer whom it was particularly desirable to retain. But his health had become impaired by the trials and perplexities of the office, which are sufficient to tax to the utmost the mental and physical powers of the strongest man, and there seemed no alternative but to yield to the necessities of the case and accept his resignation.

After a patient and careful investigation, Cap-

tain George W. Boynton, who had been connected with the force for several years, and had proved himself a most efficient officer, was appointed to the succession. We have good reason to believe that he will discharge the duties of the post with fidelity, resolution and active intelligence.

The report of the Police Commissioners will show you that the force has been increased by an addition of thirty men, in accordance with the legislation of the last General Court. These have been distributed in different sections of the State, where the commissioners believed their services would be most useful.

The value of the State Police, not alone in the enforcement of a particular law, but in the preservation of good order and the suppression of crime generally, has never been more heartily appreciated than at the present time. Immediately after the great fire in this city, nearly the whole force was ordered here for duty, and the service it then rendered is beyond computation in figures. And I may add that in most parts of the State, whenever there is a large gathering of the people, enough members of the constabulary are present to insure quiet and an observance of the laws.

While there may be a few exceptions, the force,

as a whole, is believed to be a faithful and trustworthy body of men. Whenever evidence is furnished that any member, whether by reason of character or inefficiency, is unfit for the position he holds, a change will at once be made. The principle governing in this matter is, that the minister of the laws must neither violate them himself, nor connive with those who are violators,—that the true test of the worth of a man in a given position is what he accomplishes, and that in this calling especially he must be judged by his works. If he cannot stand by this judgment, then he must give place to one who can.

Senators and Representatives:

By faithful devotion to business and reasonable care of legislation, your immediate predecessors acquitted themselves, at their regular session, in a manner that met the general approval of the public. But no other act of theirs gained for them such universal commendation as the termination of their labors at a date four or five weeks earlier than the average of several previous years. If your efforts in the official duties upon which you are about to enter, are characterized by the energy and diligence ordinarily displayed in private af-

fairs, so that the responsible trusts committed to your hands are properly discharged, and the session brought to a close a month sooner than that of 1872, I am confident you will receive the hearty and unanimous praise of your constituents.

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